

**Barcus, John M.**

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**From:** Juan Antonio Lozada <juan@tximmigrationlaw.com>  
**Sent:** Wednesday, March 18, 2020 5:51 PM  
**To:** Steve Kardell; Barcus, John M.; Alexandra Hicks; Ronald Romeo; Juan Antonio Lozada  
**Cc:** Theodore Garber  
**Subject:** Re: Lozada v. MoneyGram - proposed motion to amend scheduling order (depositions)

Mr. Barcus

Please communicate exclusively with Mr. Garber and Mr. Romeo from now on, you can cc Mr. Kardell until he withdraws but he is no longer authorized to make decisions for my litigation team as he will be withdrawing from this case within the next few days. I ask you to please cc me in all communications as I have made an appearance in this case as counsel. We are not able to agree with the proposed language of the orders, and we can't agree to any limitations on the discovery extension, I would also disagree with your contention (in the proposed order) that you have been diligently working with us to provide deposition dates for the witnesses that you are representing. Finally, we won't be agreeing to limit the deposition of Mr. Bernier to three hours. Thank you. Juan A Lozada

On Wed, Mar 18, 2020 at 10:38 AM Steve Kardell <[skardell@kardelllawgroup.com](mailto:skardell@kardelllawgroup.com)> wrote:

Sent from my iPhone

Begin forwarded message:

**From:** "Barcus, John M." <[john.barcus@ogletree.com](mailto:john.barcus@ogletree.com)>  
**Date:** March 18, 2020 at 10:33:40 AM CDT  
**To:** Steve Kardell <[skardell@kardelllawgroup.com](mailto:skardell@kardelllawgroup.com)>, Theodore Garber <[tgarber@txcivillitigation.com](mailto:tgarber@txcivillitigation.com)>  
**Cc:** "Eisenstat, Gary D." <[gary.eisenstat@ogletreedeakins.com](mailto:gary.eisenstat@ogletreedeakins.com)>, Darby Doan <[ddoan@haltomdoan.com](mailto:ddoan@haltomdoan.com)>, Randy Roeser <[rroeser@haltomdoan.com](mailto:rroeser@haltomdoan.com)>  
**Subject:** Lozada v. MoneyGram - proposed motion to amend scheduling order (depositions)

Steve:

Thanks for your call yesterday to discuss the depositions you've asked to take, and the difficulty in traveling for and scheduling those depositions caused by the COVID-19 pandemic. We're not allowed to change deadlines with a Rule 11 agreement, so I've prepared the attached, proposed joint motion and order for your review. You'll see that we suggest moving the deposition deadline to April 30 as an initial measure. We've already agreed not to object to the depositions of Johnson, Tyson, Gil, White, Bernier (with a three hour limit), and Morales, and this reflects that. You've recently asked to depose Kim Myrdahl and Ilan Heller. We think those requests were untimely, but rather than arguing about that now, I've proposed setting the deadline for

those and any other depositions on April 30 as well, with an explicit carve out providing that we can move to quash if we decide it's necessary.

I tweaked a few other deadlines potentially affected by bumping the deposition deadline. Specifically, I've moved the deadline for designating trial witnesses and for amending pleadings to April 30; the deadline for rebuttal witnesses to May 7; and the deadline for responding to amended pleadings to May 14. Everything else remains the same, and if we can get the depositions done by April 30, I think the later deadlines are still workable. Finally, I've told the court that the parties are going to convene a teleconference no later than April 10 to discuss whether the April 30 deadline and other deadlines seem realistic in light of whatever the next several weeks have in store. I suggest we get this on file, get it granted, stand down for a couple of weeks, and then get together by phone around April 1 to see if we can start scheduling.

Please let me know if these are OK to file.

Thanks.

John

**John M. Barcus | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.**

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